



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Chabot Subcommittee to Examine Private Property Rights Legislation Thursday

What: Legislative Hearing on H.R. 4772, the "Private Property Rights Implementation Act"
Who: Subcommittee on the Constitution - Rep. Steve Chabot (R-Ohio), Chairman
When: 2:00 p.m., Thursday, June 8, 2006
Where: 2141 Rayburn Bldg.

Property owners with a federal takings claim are now blocked from ever raising that claim in federal court. The purpose of this legislation is to ensure that property owners have the same access to federal courts as other plaintiffs claiming a violation of their federal constitutional rights.

BACKGROUND...

- ✓ Property owners with a land takings claim now face an untenable Catch-22. The Supreme Court's 1985 decision in *Williamson County v. Hamilton Bank* requires property owners to pursue, and exhaust all available remedies for just compensation from the state courts, before the property owner can file a federal takings claim in federal court.
- ✓ However, in 2005 in the *San Remo v. City and County of San Francisco* case, the U.S. Supreme Court held that bringing the case to the state courts and having the takings claims heard there *precludes* the property owner from having the case heard in federal court.

H.R. 4772 WILL...

- ➡ Allow a property owner raising solely federal claims to have his/her case decided in federal court without first pursuing an expensive and wasteful litigation detour in state court on the very same case.

WITNESSES: Joseph L. Trauth, Jr., Keating, Muething & Klekamp, PLL; Franklin Kottschade, President, North American Realty; Daniel L. Siegel, Supervising Deputy Attorney General, Office of the Attorney General, State of California; and Steven J. Eagle, Professor of Law, George Mason University School of Law.

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